

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re patent application of:) Date: October 14, 2008
David K. Lee, et al) Attorney Docket No.: F - 259
Serial No.: 09/928,292) Customer No.: 00919
Filed: August 10, 2001) Group Art Unit: 3628
Confirmation No.:) Examiner: Freda Ann Nelson
Title:	METHOD AND APPARATUS FOR TRACKING A SPECIAL SERVICE DELIVERY OF A MAIL ITEM CREATED BY AN OFFICE WORKER

APPELLANT'S BRIEF ON APPEAL

Sir:

This brief is in furtherance of the Notice of Appeal filed in this case on July 24,
2008

TABLE OF CONTENTS

This brief contains these items under the following headings and in the order set forth below:

- I. Real Party in Interest
- II. Related Appeals and Interferences
- III. Status of Claims
- IV. Status of Amendments
- V. Summary of Claimed Subject Matter
- VI. Grounds of Rejection to Be Reviewed on Appeal
- VII. Argument
- VIII. Claims Appendix
- IX. Evidence Appendix
- X. Related Proceeding Appendix

I. Real Party in Interest

Pitney Bowes Inc. is the real party in interest by way of assignment Appellant.

II. Related Appeals and Interferences

There are no related appeals or interferences.

III. Status of Claims

- (A) Claims 1 - 10 and 22 - 24 are in the application.
- (B) Claims 11 – 21 have been cancelled.
- (B) Claims 1 - 10 and 22 - 24 are rejected.
- (C) Claims 1 - 10 and 22 - 24 are on appeal.

IV. Status of Amendments

A amendment subsequent to the May 22, 2008 Final Rejection was filed on July 23, 2008. The amendment was entered.

V. Summary of Claimed Subject Matter

This invention is a method for tracking a special service delivery by a carrier of a mail item created by an office worker. The method utilizes one or more special service indicators on the mail item to ensure that the office worker can obtain information about the status of the mail item by the simple placement of one of the special service stickers on the mail item.

Claim 1 is only independent claim in this Application. Claim 1 claims a method for tracking a special service delivery by a carrier of a mail item created by an office worker. Claim 1, comprises the following steps:

applying a special service indicator to the mail item during creation of the mail item; (Paragraph 0007, Page 4)

sending the mail item to a mail room for final processing prior to submitting the mail item to the carrier for the special service delivery; (Paragraph 0033, Page 17)

automatically detecting at the mail room the special service indicator on the mail item and determining the special service delivery required based on the detection of the special service indicator; (Paragraph 0035, Page 18)

applying at the mail room a unique office worker generated identifier to the mail item, the unique identifier including an electronic address of a company server;

submitting the mail item with the unique identifier thereon to the carrier for the special service delivery; (Paragraph 0036, Pages 18 and 19)

receiving from the carrier at the electronic address obtained by the carrier from the unique identifier on the mail item information relating to the location of the mail item; (Paragraph 0007, Page 4)

storing the information relating to the location of the mail item at the company server; (Paragraph 0007, Page 4) and

providing the office worker with access to the company server to obtain the information relating to the location of the mail item. (Paragraph 0007, Page 4)

Appellants' claimed invention is shown in Figs. 6 - 8 and described in Paragraph 0007, Page 4 and Paragraph 0032, Page 16 to Paragraph 0041, Page 21 of Appellants' Patent Application.

[0007] The instant invention provides a method for tracking a special service delivery by a carrier of a mail item created by an office worker, the method including the steps of applying a special service indicator to the mail item during creation of the mail item; sending the mail item to a mail room for final processing prior to submitting the mail item to the carrier for the special service delivery; automatically detecting the special service indicator on the mail item and determining the special service delivery required based on the detection of the special service indicator; and applying at the mail room a unique identifier to the mail item, the unique identifier including an electronic address of a company server. The method further includes submitting the mail item with the unique identifier thereon to the carrier for the special service delivery; receiving from the carrier at the electronic address obtained by the carrier from the unique identifier

on the mail item information relating to the location of the mail item; storing the information relating to the location of the mail item at the company server; and providing the office worker with access to the company server to obtain the information relating to the location of the mail item.

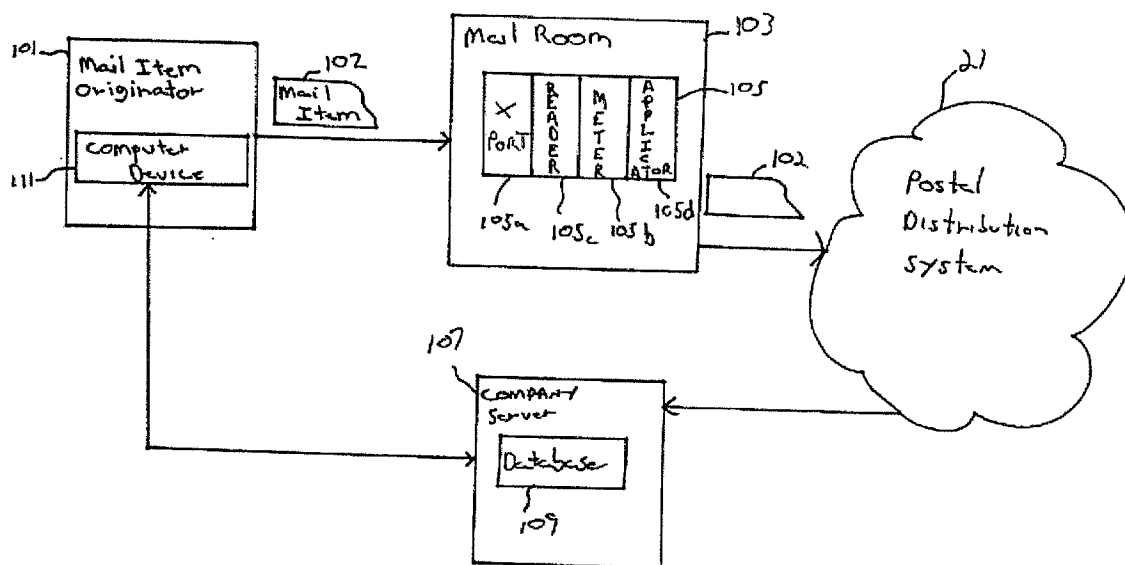


FIG. 6

[0033] In operation, the MGDS 100 is initiated when an office worker 101 generates a mail item 102 (either manually or through the computer 111) and submits it to the mail room 103 for finishing work and delivery to the postal distribution system 21. The mail item 102 has a special services sticker (SSS) 201 applied thereto that identifies the mail item 102 as requiring a special service (step 301). The SSS is easily distinguishable such as by being color coded to identify a specific special service associated with a specific color. For example, if only proof of deposit, delivery, and receipt are required, than office workers can be supplied with sufficient amounts of red, blue, and green SSS 201's that correspondingly indicate the need for proof of deposit, delivery, and receipt. The location of the SSS 201 must be non-interfering with other present and future planned information that the mail item 102 must carry (for example digital postage marks, stamps, postnet barcode, etc.). As shown in

Figure 7, the SSS 201 has been placed in the bottom left hand corner on the front of the envelope 203. However, the back of the envelope 203 could also be used for placement of the SSS 201. In any event, the SSS 201 clearly enables the discrimination between mail items requiring special services and those that do not.

[0034] While color coded stickers can be used, in another embodiment preprinted labels can be used. These labels would have a machine readable identifier (i.e. bar code readable, OCR readable) that identifies the special service required. Moreover, the SSS 201 could be printed directly on the mail item 102 using the computer 111 and an associated color printer 113. This eliminates the need for physical labels.

[0035] Once the mail item 102 is completed, it is sent to the mail room 103 and fed to the mailing machine 105 that has been adapted to include the detector 105c that detects the presence of the SSS 201 and determines the special service required (step 303). In the case of the color coded SSS 201, the mailing machine 105 has a color sensor to detect the appropriate color. The mailing machine which includes its own processor and associated memory determines the type of service by reference to data stored in the memory that associates specific colors with specific services. In the case of the alternative labels as discussed above, the same principles apply except that the appropriate reader is substituted for the color sensor.

[0036] Once the mailing machine has detected and interpreted the SSS 201, it prints a special label for each of these mail items 102 (step 305) using the applicator 105d. Each label contains the server 107 URL and a unique serial number (SN) assigned by the mailing machine, such as for example, the 6 digit number 012345. Accordingly, the label contains an EAIM 13 for the server 107. For the purpose of identification, the label may also contain a human readable indication of postage value either directly or in a coded form. For example, <<345>> may be indicative of \$3.45 worth of postage. The label may also contain a coded name of the service required, for example <<PI>> for the proof of induction, <<PD>> for the proof of delivery and <<PR>> for the proof of receipt. In the embodiment where the SSS 201 is printed directly on the mail

item 102, the applicator 105d can be a separate printer or it can be eliminated and a printer associated with the postage meter 105c can be used.

[0037] During the process, the mailing machine 105 not only prints all of the labels required for the special services, but also outsorts the special service mail items 102 from the rest of the non-special service mail items being processed (step 307). At the end of processing a batch of mail items, the mail clerk places the labels with EAIM 13 at a prespecified location on the mail items 102, (for example left of the destination address block) (step 309). The clerk matches the postage value which has been imprinted on the mail item in the form of evidence of postage value (i.e. indicium, digital postage mark, etc.) and the postage value on the label. This process of matching may or may not be necessary depending on the need to identify information related to mail item 102 that is going to be delivered electronically to the server 107 URL. In the simplest form, all labels contain only the EAIM 13 and are applied to all outsorted mail items 102 one at a time. Alternatively, the process can be automated using an automatic label applicator that is connected to the mailing machine 105.

[0038] In yet another embodiment, instead of printing labels, the mailing machine can be modified to print the EAIM 13 directly onto the mailpiece in the same manner that the digital postage mark is applied. This procedure can be done during the initial SSS 201 detection by the mailing machine 105 or rerun of the mail items 102 through the mailing machine 105 after the initial sort of the mail items 102.

[0039] The final step of the mail room 103 processing is the submission of the mail items 102 to the postal distribution system (step 311). If the number of special service mail items 102 is relatively small they can be deposited into street letter boxes, otherwise they can be placed on trays and delivered directly to a postal retail or processing facility. In the latter case the tray can be labeled with the label containing the server 107 URL printed in a robust machine-readable form (linear or 2-dimensional bar code).

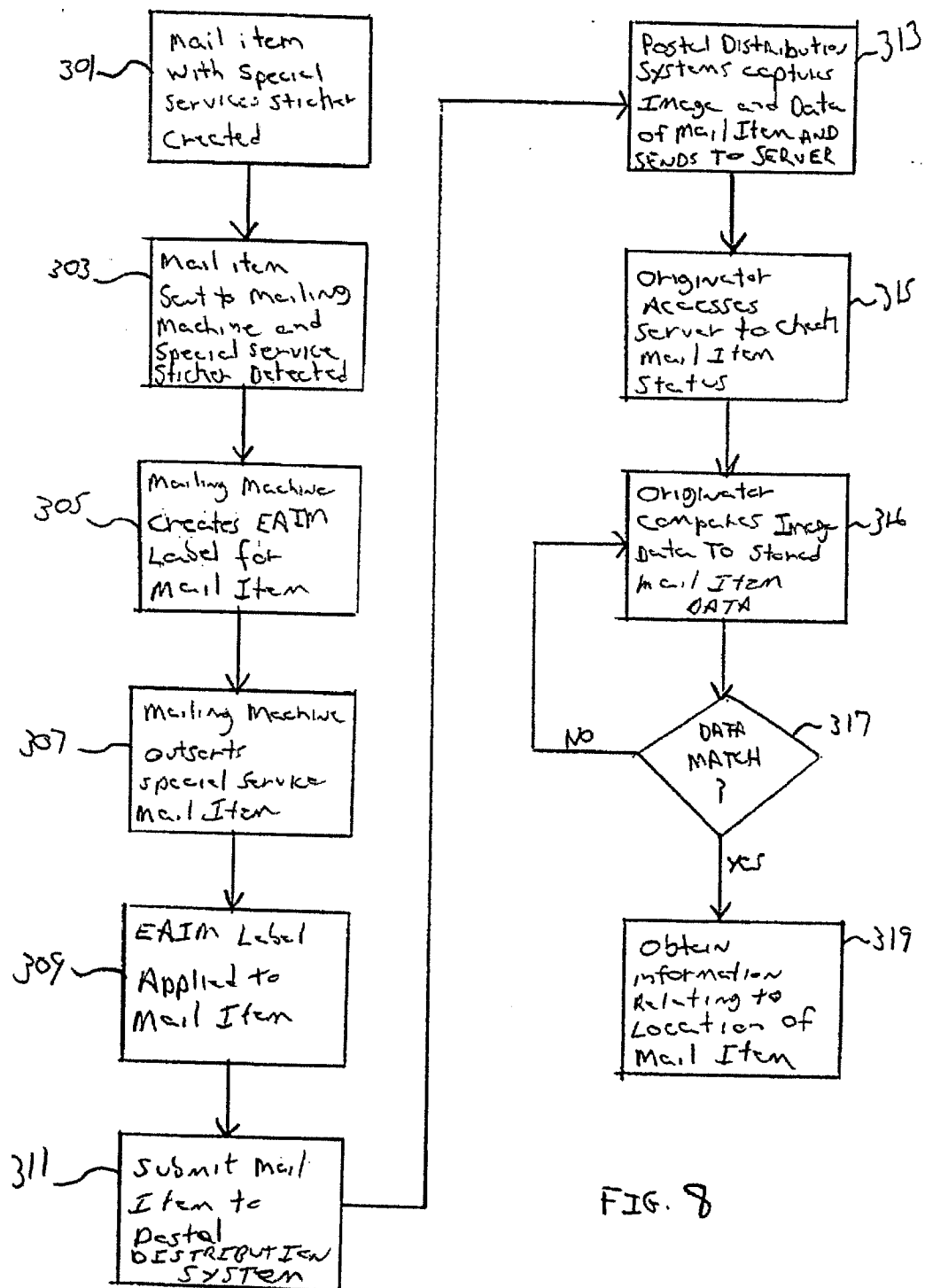


FIG. 8

[0040] Once the mail enters the postal distribution system 21 it is processed as previously described in connection with Figure 2. Additionally, the postal distribution

system 21 can be modified to capture digital images of the special service mail items 102 at various points throughout the distribution system. Accordingly, the captured digital images together with the serial number, time, date, and location data of events (data shown in Figure 5) are sent to the server 107 URL where it is stored in the database 109 (step 313). The originator of the mail item 102 sender can then access this information at the server 109 at their convenience using the computer device 111 and an internal communication network (typically a LAN) that permits communication with the server 107.

[0041] When the originator 101 wants to check on the status of a mail item, they connect, via computer device 111, to the server 107 (step 315). The originator compares the destination address of the recipient that they either remember or stored in their computer 111 with the destination address they can observe from the digital images received (and stored in database 109) by the server 107 from the postal distribution system 21 (step 315). Once there is a match (step 317), they can obtain the date, time, and location data from the server 107 (step 319). Alternatively, and in a much more complicated scenario, mailing machines 105 can be equipped with image/pattern recognition capabilities. In this case, if an originator identifies its name/address on the SSS 201, the mailing machine 105 can recognize the name and electronically send to the mailer the unique serial number assigned by it to the mail item 102 during the finishing process. Thus, the unique serial number would act as a pointer for future retrieval of the information from the server 109. It should be noted that the name and physical address on the SSS 201 can be read and linked by the mailing machine to an electronic address associated with the name/address by accessing an electronic address database, not shown. Alternatively, the electronic address can be contained in the SSS 201 and be directly obtained therefrom by the mailing machine 105.

VI. Grounds of Rejection to be Reviewed on Appeal

A. Whether or not claims 1, 5-10 and 23-24 are patentable under 35 USC § 103(a) over Gelfer. (U.S. Patent Publication No. 2002/0046194) in view of Bennett et al. (U.S. Patent No. 7,117,170).

B. Whether or not claims 2 - 4 are patentable under 35 U.S.C. 103(a) over Gelfer (U.S. Publication No. 2002/0046194) in view of Bennett et al. (U.S. Patent No. 7,117,170) in further view of Bloom (U.S. Patent No. 6,974,928).

VII. Arguments

A. Claims 1, 5-10 and 23-24 have been rejected by the Examiner under 35 U.S.C. 103(a) over Gelfer. (U.S. Patent Publication No. 2002/0046194) in view of Bennett et al. (U.S. Patent No. 7,117,170).

Claims 1, 5, 6, 7, 9 and 10

Gelfer discloses the following in paragraph 0004.

"[0004] A postal system including a carrier for delivering mail and a franking machine is described in German OS 197 33 605 AI. For each piece of mail an identity certificate is produced by the franking machine containing information about the respective piece of mail, such as the required fee and mailing parameters. The identity certificate is printed on a self-adhesive label which is adhered to the piece of mail.

The information contained in the identity certificate can be used by the carrier for delivering and billing purposes by reading the data from the identity certificate in a data center of the carrier before delivering the piece of mail. Further, an identity code for the piece of mail can be included in the identity certificate, selectively in readable form or as a bar code, which may be used for searching for a piece of mail in case of mailing errors."

Gelfer creates an identity certificate that is printed on a self adhesive label which is affixed to the mail.

Gelfer discloses the following in paragraph 0007.

"[0007] These objects are achieved in a postal system and method according to the invention wherein a label is applied to the piece of mail, e. g. a letter, that contains some son of identity code, e. g. bar code information identifying one or more pieces of mail. This label is fixed on the letter before sending it, e. g. during the franking process, and wnm be removed from the letter and placed on a separate sheet of paper after delivery of the letter. The identity code will then be read when the carrier returns to the local post office, e. g. by using a scanner reading the bar code. It can then be used for tracking and tracing purposes, e. g. by sending a message to the sender informing the sender about the delivery."

Gelfer discloses the following in paragraph [0008].

"[0008] According to the invention it is not required that any letter carrier be equipped with a handheld scanner or any other reading device for reading the identity code. There is also no need for writing the identity code by hand, which is time consuming. It is much easier and faster to remove a label from a letter, place it on a separate sheet of paper, and read all labels centrally using an automatic reader."

Gelfer avoids hand held scanning of the mail at the delivery point by having the carrier remove a label from the mail and place the label on a separate piece of paper after delivery of the letter. The foregoing is done for all mail that has labels. The labels are then read at the post office.

Furthermore, Gelfer is not disclosing a method for tracking special service delivery by a courier of a mail item, but is disclosing a confirmation of delivery by a mail carrier that is accomplished by removing a label and placing the label on a separate sheet of paper and reading all labels that have been placed on the sheet centrally using an automatic reader.

The Examiner stated the following in page 7 of the May 22, 2008, Final Rejection.

Gelfer does not explicitly disclose applying at the mail room a unique office worker generated identifier to the mail item, the unique identifier including an electronic address of a company server; receiving from the carrier at the electronic address obtained by the carrier from the unique identifier on the mail item information relating to the location of the mail item; and providing the office worker with access to the company server to obtain the information relating to the location of the mail item.

However, Bennett et al. discloses the Shipper can use the System to locally print on the Shipper's printer device a bar-coded shipping label according the Selected Carrier's certification standards."

Bennett discloses the following in Col. 47, lines 45-63.

"FIG. 53 is a graphic representation of an exemplary embodiment of a Reprint Label screen which provides a report about the package 454, a View Details button 451, and a Generate Label button 455. If the User clicks the Generate Label button 455, the System will generate and print a shipping label (69, FIG. 10e) for according to the appropriate Carrier and Service, as limited by the Seller and as finally selected by the Buyer. As mentioned above, in some embodiments, the Shipper can use the System to locally print on the Shipper's printer device a bar-coded shipping label according the Selected Carriers certification standards. In some embodiments, the bar-coded shipping label, including two dimensional bar code labels, and other types of shipping labels, can be printed on either a thermal label printer or on a laser printer. The Shipper specifies the type of printer to the system during initial setup procedures. Thereafter, the System uses, as appropriate, the thermal printer or laser printer module to prepare the label image for printing on the Shipper's printer."

What in fact constitutes "Selected Carrier's Certification standards," and the meaning of printing Selected Carrier's Certificate standards on a bar code label is not defined by Bennett with any degree of specificity.

The only reasonable interpretation of Selected Carrier's Certification standards with regards to bar coded shipping labels is a set of requirements to which a given bar code must conform in order to be processable by Carrier equipment systems and personnel, i.e., the bar code must be a specified size, at a specified location and have specified data content.

Bennett does not make tracking information directly accessible to the office worker like the invention claimed by Appellant in claim 1 and those claims dependent thereon.

The cited art does not disclose or anticipate the following steps of claim 1 namely, automatically detecting at the mail room the special service indicator on the mail item and determining the special service delivery required based on the detection of the special service indicator; applying at the mail room a unique office worker generated identifier to the mail item, the unique identifier including an electronic address of a company server; receiving from the carrier at the electronic address obtained by the carrier from the unique identifier on the mail item information relating to the location of the mail item;

An advantage of Appellant's claimed invention over the cited art is that Appellant makes it easier for the office worker to track mail through a carrier process without utilizing more than one work station.

Notwithstanding the foregoing, in rejecting a claim under 35 U.S.C. §103, the Examiner is charged with the initial burden for providing a factual basis to support the obviousness conclusion. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967); *In re Lunsford*, 375 F.2d 385, 148 USPQ 721 (CCPA 1966); *In re Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970). The Examiner is also required to explain how and why one having ordinary skill in the art would have been led to modify an applied reference and/or combine applied references to arrive at the claimed invention. *In re Ochiai*, 37 USPQ2d 1127 (Fed. Cir. 1995); *In re Deuel*, 51 F.3d 1552, 34 USPQ 1210 (Fed. Cir. 1995); *In re Fritch*, 972 F.2d 1260, 23 USPQ 1780 (Fed. Cir. 1992);

Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988). See *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. ___, 127 S.Ct. 1727, 1735 (2007) (“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.* (quoting Kahn, 441 F.3d at 988)). See also, *Takeda Chem. Indus., Ltd. v. Alphapharm Pty., Ltd.*, 492 F.3d 1350, 1357 (Fed. Cir. 2007) (To avoid improper use of hindsight, the Examiner must articulate “a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does” in an obviousness determination. (quoting *KSR*, 127 S. Ct. at 1731)).

See also, *In re Kahn*, 441 F.3d 977 (Fed. Cir. 2006) (Most inventions arise from a combination of old elements and each element may often be found in the prior art. However, mere identification in the prior art of each element is insufficient to defeat the patentability of the combined subject matter as a whole).

Claim 8

Claim 8 depends on claim 1. In claim 8, the information relating to the mail item includes an image of the mail item. In addition to the arguments made above please consider the following.

The Examiner stated the following in pages 8 and 9 of the Final Rejection.

“As per claim 8, Gelfer does not explicitly disclose a method as recited wherein the information relating to the mail item includes an image of the mail item. However, Bennett et al. discloses FIG. 55 depicts a flow diagram of an exemplary embodiment of the aspect of the invention that provides printing of dimensionally accurate images, such as dimensionally sensitive symbologies including two-dimensional bar codes and other two-dimensional machine readable symbologies. This aspect of the invention provides the printing of such dimensionally accurate images on various types of printer devices including among others HP-compatible laser printers. The printer devices can be configured with remote computers, such as PC's, that will receive signals to print the dimensionally accurate image over a communications network such as the Internet. Each PC having a client browser or executing like software, and each PC

being configured with a pre-established Image Resolution that applies to the display device and the printer device configured with the PC (col. 48, lines 43-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made modify the invention of Gelfer with the features of Bennett et al. in order to generate an image of the mail item to be delivered providing the image is stored in the database for later usage as taught by Bennett et al. with the motivation of providing an image to an client."

Bennett discloses the following in col. 48, lines 43-63.

"FIG. 55 depicts a flow diagram of an exemplary embodiment of the aspect of the invention that provides printing of dimensionally accurate images, such as dimensionally sensitive symbologies including two-dimensional bar codes and other two-dimensional machine readable symbologies. This aspect of the invention provides the printing of such dimensionally accurate images on various types of printer devices including among others HP-compatible laser printers. The printer devices can be configured with remote computers, such as PC's, that will receive signals to print the dimensionally accurate image over a communications network such as the Internet. Each PC having a client browser or executing like software, and each PC being configured with a pre-established Image Resolution that applies to the display device and the printer device configured with the PC.

As depicted in FIG. 55, a computer, such as Server 20t as depicted in FIG. 7, determines the Image Size 1350, the Image Layout 1351, any relevant Image Data 1352, and the Image Resolution in Dots Per Inch ("DPI") or in any other measure of image Resolution 1353. The Server 20t uses this information to Generate the Image."

The Examiner cited Fig. 55 and col. 48, lines 43-63 of Bennett as evidence the Bennett discloses the generation of a mail item to be delivered from a carrier environment to an office working/shipper environment. In fact the above citation

teaches how to make printed bar coded labels consistent with what Bennett refers to as Selected Carrier's Certification standards.

Appellant on the other hand discloses a method of delivering digital images after they have been captured by a carrier. This has nothing to do with printing on dimensionally accurate bar codes.

Claim 22

Claim 22 depends on claim 1. In claim 22, the mail item is in a receptacle containing other mail items. In addition to the arguments made above please consider the following.

The Examiner stated the following on page 10, of the Final Rejection.

"As per claim 22, Gelfer discloses a method as recited in claim 1, wherein the mail item is in a receptacle containing other mail items. (paragraphs [0016], [0020], Fig. 1)."

Gelfer discloses the following in paragraph 0016:

[0016] In FIG. 1 a block diagram of a postal system according to the invention is shown. This postal system has a central postal service 1 where all pieces of mail are collected, sorted and distributed to carriers 5, 6, 7 belonging to or working together with the postal service 1 for delivering the pieces of mail. The postal system further includes franking machines 2, 3, 4 where pieces of mail are franked as usual and where postage meter indicia for a class of mail can be printed on the pieces of mail. For a class of mail that is covered by a track and trace requirement, a label 84 is prepared by printing the required identity code onto the label in the form of a bar code 85 containing the track and trace operation (see FIG. 2). Thereafter the label can be affixed automatically or by hand to the respective piece of mail 8 and put into the mailbox from where it is transported to the central postal service 1 as indicated by arrows 16.

Gelfer discloses the following in paragraph 0020:

"[0020] The postal system according to the invention makes it possible to track and trace pieces of mail during and after delivery. Each single piece of mail can have a unique identity code printed on the label which can be used to search [or it in case of a mailing mistake. A piece of mail 8 including a label 84 according to the invention is shown in FIG. 2. The envelope includes a window 80 for the address of the recipient of the mail, a postage indicia 81 comprising a two dimensional bar code including billing information and a banner 83 for private or advertising reasons. Further a self-adhesive label 84 is adhered to the envelope wherein a bar code 85 including the identity code is printed on a label 84. The position, size and form of the label 84 and the bar code 85 as shown are only examples, but are in general dependent on a standard that can be chosen by the postal administration and/or the carrier using these labels 84, It is further not necessary that bar codes be used. The identity code can be put onto the label 84 in any form but the form employed is preferably machine-readable. The identity code can be put onto the label 84 in encrypted form."

Gelfer discloses a mailbox from where the mail is picked up and is transported to the central post office. In paragraph 0021 on page 8 of Appellant's specification Appellant states the following:

".....The trays 31 are placed on pallets 33 and the pallets 33 aggregated on transportation vehicles 35 (collectively refereed to as mail item receptacles)..."

The art cited by the Examiner does not disclose or anticipate a receptacle that contains mail items while the receptacle is transported in the delivery process.

Claim 23

Claim 23 depends on claim 22. In claim 23 the location of the receptacle is determined. In addition to the arguments made above please consider the following.

The Examiner stated the following on page 10, of the Final Rejection.

“As per claim 23, Gelfer discloses a method as recited in claim 22, wherein the location of the receptacle is determined. (paragraph [0020]).”

Gelfer discloses the following in paragraph 0020:

[0020] The postal system according to the invention makes it possible to track and trace pieces of mail during and after delivery. Each single piece of mail can have a unique identity code printed on the label which can be used to search for it in case of a mailing mistake. A piece of mail 8 including a label 84 according to the invention is shown in FIG. 2. The envelope includes a window 80 for the address of the recipient of the mail, a postage indicia 81 comprising a two dimensional bar code including billing information and a banner 83 for private or advertising reasons. Further a self-adhesive label 84 is adhered to the envelope wherein a bar code 85 including the identity code is printed on a label 84. The position, size and form of the label 84 and the bar code 85 as shown are only examples, but are in general dependent on a standard that can be chosen by the postal administration and/or the carrier using these labels 84, It is further not necessary that bar codes be used. The identity code can be put onto the label 84 in any form but the form employed is preferably machine-readable. The identity code can be put onto the label 84 in encrypted form. Gelfer tracks pieces of mail by using identity codes that are printed on the mail. The art cited by the Examiner does not disclose or anticipate determining the location of a receptacle.

Claim 24

Claim 24 depends on claim 23. In claim 24 the location of the mail item is determined by knowing the location of the receptacle. In addition to the arguments made above please consider the following.

The Examiner stated the following on page 10, of the Office Action.

“As per claim 24, Gelfer discloses a method as recited in claim 23, wherein the location of the mail item is determinedly knowing the location of the receptacle. (paragraphs [0018] - [0020]).”

Gelfer discloses the following in paragraph [0018] - [0020]:

[0018] When the piece of mail 8 is actually delivered to an addressee 17, the label 84 with a printed bar code on it is removed from the piece of mail 8 and sent back to the central postal service 1 via the same or another route as the piece of mail 8 (arrows U). This can easily be done by putting all label 84 on one or more sheets of paper and transporting them back to the postal service 1. In the postal service 1 the bar codes of these labels are read and are used to send a message back to the sender 2, 3 or 4 (arrows 12) informing the sender about successful delivery of his piece of mail 8. Further, in the central database of the storage memory 14, the respective identity code can be marked as delivered and/or deleted immediately or after a delay of some time.

[0019] One or more of the carriers 5, 6, 7 can be equipped with a reader 15 for reading the identity codes during delivery of the mail in order to register and monitor each station during delivery. An immediate response can also be sent back to the postal service 1 and, if required, to the sender 2, 3 or 4.

[0020] The postal system according to the invention makes it possible to track and trace pieces of mail during and after delivery. Each single

piece of mail can have a unique identity code printed on the label which can be used to search for it in case of a mailing mistake. A piece of mail 8 inducing a label 84 according to the invention is shown in FIG. 2. The envelope includes a window 80 for the address of the recipient of the mail, a postage indicia 81 comprising a two dimensional bar code including billing information and a banner 83 for private or advertising reasons. Further a self-adhesive label 84 is adhered to the envelope wherein a bar code 8S including the identity code is printed on a label 84. The position, size and form of the label 84 and the bar code 8S as shown are only examples, but are in general dependent on a standard that can be chosen by the postal administration and/or the carrier using these labels 84, It is further not necessary that bar codes be used. The identity code can be put onto the label 84 in any form but the form employed is preferably machine-readable. The identity code can be put onto the label 84 in encrypted form.”

Gelfer tracks pieces of mail by using identity codes that are printed on the mail.

The art cited by the Examiner does not disclose or anticipate determining the location of the mail item is by knowing the location of the receptacle

B. Claims 2 - 4 are have been rejected by the Examiner under 35 U.S.C. 103(a) over Gelfer (U.S. Publication No. 2002/0046194) in view of Bennett et al. (U.S. Patent No. 7,117,170) in further view of Bloom (U.S. Patent No. 6,974,928).

Claim 2

Claim 2 depends on claim 1. In claim 2, the special service indicator is a specific color associated the special service delivery. In addition to the arguments made above please consider the following.

Bloom discloses the following in col. 142, line 3-12.

“The cases of temperature-controlled items can be received onto a RDC inbound receiving dock conveyor (32) and moved into the local market sort. Cases of temperature-controlled items can, for example, be labeled with a different color label or marked in some way to indicate that they contain temperature-controlled items. RDC workers performing the local market sort and the CDC sort can give a higher priority to cases of temperature controlled items to move them through the RDC faster.”

Bloom discloses using a different colored label to indicate the presence of temperature controlled items.

The art cited by the Examiner does not disclose or anticipate using a special service indicator that is a specific color that is associated with a special service delivery. An advantage of the foregoing is that when the special service indicator is color coded it is easily distinguishable to identify a specific special service associated with a specific color. For example, if only proof of deposit, delivery, and receipt are required a specific color or colors would be used.

Claim 3

Claim 3 depends on claim 2. In claim 3, the specific color is automatically detected and identified to determine the special service delivery required by the mail item. In addition to the arguments made above please consider the following.

The art cited by the Examiner does not disclose or anticipate automatically detecting and identifying a specific color to determine the special service delivery required by the mail item.

Claim 4

Claim 4 depends on claim 3. In claim 4, the specific color is selected from a plurality of different colors, each of the plurality of different colors serving as an indicator of a different special service delivery requirement.

In addition to the arguments made above please consider the following.

The art cited by the Examiner does not disclose or anticipate selecting a specific color from a plurality of different colors, each of the plurality of different colors serving as an indicator of a different special service delivery requirement.

Conclusion

Appellants respectfully submit that appealed claims 1 - 10 and 22 - 24 in this application are patentable. It is requested that the Board of Appeal overrule the Examiner and direct allowance of the rejected claims.

Respectfully submitted,

/Ronald Reichman/

Ronald Reichman

Reg. No. 26,796

Attorney of Record

Telephone (203) 924-3854

PITNEY BOWES INC.
Intellectual Property and
Technology Law Department
35 Waterview Drive
P.O. Box 3000
Shelton, CT 06484-8000

VIII. CLAIMS APPENDIX

1. A method for tracking a special service delivery by a carrier of a mail item created by an office worker, the method comprising the steps of:

applying a special service indicator to the mail item during creation of the mail item;

sending the mail item to a mail room for final processing prior to submitting the mail item to the carrier for the special service delivery;

automatically detecting at the mail room the special service indicator on the mail item and determining the special service delivery required based on the detection of the special service indicator;

applying at the mail room a unique office worker generated identifier to the mail item, the unique identifier including an electronic address of a company server;

submitting the mail item with the unique identifier thereon to the carrier for the special service delivery;

receiving from the carrier at the electronic address obtained by the carrier from the unique identifier on the mail item information relating to the location of the mail item;

storing the information relating to the location of the mail item at the company server; and

providing the office worker with access to the company server to obtain the information relating to the location of the mail item.

2. A method as recited in claim 1, wherein the special service indicator is a specific color associated the special service delivery.
3. A method as recited in claim 2, wherein at the mail room the specific color is automatically detected and identified to determine the special service delivery required by the mail item.
4. A method as recited in claim 3, wherein the specific color is selected from a plurality of different colors, each of the plurality of different colors serving as an indicator of a different special service delivery requirement.
5. A method as recited in claim 1, wherein the special service indicator is a label.
6. A method as recited in claim 1, wherein the special service indicator is printed on the mail item.
7. A method as recited in claim 1, wherein the special service indicator is machine readable.
8. A method as recited in claim 1, wherein the information relating to the mail item includes an image of the mail item.

9. A method as recited in claim 8, wherein the information relating to the location of the mail item further includes date, time, and location data.
10. A method as recited in claim 1, wherein automatically detecting the special service indicator is accomplished using a mailing machine.
22. A method as recited in claim 1, wherein the mail item is in a receptacle containing other mail items.
23. A method as recited in claim 22, wherein the location of the receptacle is determined.
24. A method as recited in claim 23, wherein the location of the mail item is determined by knowing the location of the receptacle.

IX. EVIDENCE APPENDIX

There is no additional evidence to submit.

X. RELATED PROCEEDING APPENDIX

There are no related appeals or interferences.